

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL DAVID WHITE,

Plaintiff, 2:04-cv-2276-GEB-GGH-P

vs.

CA. DEPT. OF CORR., et al.,

Defendants. ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 23, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

On November 2, 2005, the court granted defendants' May 19, 2005, motion to dismiss with thirty days to file an amended complaint with respect to the following claims: 1)

1 imposition of the R suffix caused plaintiff to suffer from increased risk to safety as to defendants
2 Rhodes and Jeff; 2) the claims against defendants Ceaglio and Schroers based on plaintiff's
3 failure to link these defendants to the alleged deprivations. Thirty days passed and plaintiff did
4 not file an amended complaint. Accordingly, on January 19, 2006, the magistrate judge
5 recommended that these claims be dismissed. Plaintiff was granted twenty days to file objections
6 but failed to do so.

7 On February 23, 2006, plaintiff filed a second amended complaint. On March 23,
8 2006, the magistrate judge dismissed the second amended complaint because it was untimely and
9 because it did not cure the pleading defects discussed in the November 2, 2005, order.

10 Because plaintiff did not file an amended complaint in accordance with the
11 November 2, 2005, order, the January 19, 2006, findings and recommendations are adopted.

1. The findings and recommendations filed March 23, 2006, are adopted in full;
2. The December 23, 2005, motion to dismiss filed by defendants Adams, Hough, Gonzales is granted;
3. The January 19, 2006, findings and recommendations are adopted in full;
4. The remaining claims against defendants Rhodes, Jeff, Ceaglio and Schroers
5. This action is dismissed.

20 | Dated: June 6, 2006

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge